

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

##### 2001-08-18 McDonnell Douglas:

Amendment 39-12195. Docket 99-NM-274-AD.

**Applicability:** Model DC-8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8-33A053, Revision 02, dated November 1, 1999; certificated in any category; except those airplanes on which McDonnell Douglas Service Bulletin 33-53, dated February 13, 1970, or Revision 1, dated August 5, 1975, has been accomplished.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent a short circuit within the cabin electrical service panel due to a foreign object being lodged between the terminals of a cabin light switch, which could result in overheating and damage to light circuits, and consequent smoke and fire in the main cabin of the airplane, accomplish the following:

#### Installation

(a) At the next maintenance check, but no later than 6 months after the effective date of this AD, install heat shrinkable tubing or apply Peel-Kote on each terminal connection of all cabin lighting switches in the forward and aft cabin electrical service panels, in accordance with McDonnell Douglas Alert Service Bulletin DC8-33A053, Revision 02, dated November 1, 1999.

**Note 2:** Installation of heat shrinkable tubing or application of Peel-Kote accomplished prior to the effective date of this AD in accordance with McDonnell Douglas Service Bulletin 33-53, dated February 13, 1970, or Revision 1, dated August 5, 1975; is considered acceptable for compliance with the requirements of paragraph (a) of this AD.

#### Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Los Angeles ACO.

#### Special Flight Permit

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### Incorporation by Reference

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC8-33A053, Revision 02, dated November 1, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1-L51 (2-60). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### Effective Date

(e) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-9936 Filed 4-25-01; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 99-NM-275-AD; Amendment 39-12196; AD 2001-08-19]

**RIN 2120-AA64**

#### Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-8 series airplanes, that requires replacing certain transformer ballast assemblies in the first officer's console and electrical power center with certain new, improved ballast assemblies. This action is necessary to prevent overheating of ballast transformers due to high power demands resulting from aging, which could result in smoke in the cockpit. This action is intended to address the identified unsafe condition.

**DATES:** Effective May 31, 2001.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 31, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:**

Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5344; fax (562) 627-5210.

**SUPPLEMENTARY INFORMATION:**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53205). That action proposed to require replacing certain transformer ballast assemblies in the first officer's console and electrical power center with certain new, improved ballast assemblies.

**Comment Received**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

One commenter requests that a grace period of 3 to 6 months be added to paragraph (b) of the proposed AD to allow existing spares of transformer ballast assemblies to be used while supplies of new spares are acquired. The commenter states that a compliance time of "as of the effective date of this AD" is too restrictive, and that the current lead time to get new replacement units is 8 weeks.

The FAA does not agree. In the Material Information section of McDonnell Douglas Alert Service Bulletin DC8-33A070, dated November 1, 1999, it states "Parts will be available within 30 days after receipt of purchase order." Because the compliance time to accomplish the required replacement is 12 months after the effective date of this AD, we find that operators have ample time to receive spare parts, even if the lead time is 8 weeks instead of the 30 days indicated in the referenced service bulletin.

**Conclusion**

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

**Cost Impact**

There are approximately 289 Model DC-8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 228 airplanes of U.S. registry will be affected by this AD, that it will take approximately 2 work hours per airplane to accomplish the required

actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately between \$1,379 and \$3,092 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be between \$341,772 and \$732,336, or \$1,499 and \$3,212 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

**Regulatory Impact**

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

**PART 39—AIRWORTHINESS DIRECTIVES**

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

**§ 39.13 [Amended]**

2. Section 39.13 is amended by adding the following new airworthiness directive:

**2001-08-19 McDonnell Douglas:**

Amendment 39-12196. Docket 99-NM-275-AD.

*Applicability:* Model DC-8 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin DC8-33A070, dated November 1, 1999; certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

*Compliance:* Required as indicated, unless accomplished previously.

To prevent overheating of ballast transformers due to high power demands resulting from aging, which could result in smoke in the cockpit, accomplish the following:

**Modification**

(a) Within 12 months after the effective date of this AD, replace the transformer ballast assemblies from the first officer's console and electrical power center with new, improved transformer ballast assemblies, in accordance with McDonnell Douglas Alert Service Bulletin DC8-33A070, dated November 1, 1999.

**Spares**

(b) As of the effective date of this AD, no person shall install a transformer ballast assembly, part number BA170-1, BA170-11, BA170-21, BA170-MOD.B, or BA171-MOD.C, on any airplane.

**Alternative Methods of Compliance**

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Special Flight Permits**

(d) Special flight permits may be issued in accordance with sections 21.197 and 21.199

of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

#### **Incorporation by Reference**

(e) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin DC8-33A070, dated November 1, 1999. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### **Effective Date**

(f) This amendment becomes effective on May 31, 2001.

Issued in Renton, Washington, on April 17, 2001.

**Donald L. Riggin,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-9937 Filed 4-25-01; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 39**

[Docket No. 99-NM-276-AD; Amendment 39-12197; AD 2001-08-20]

**RIN 2120-AA64**

#### **Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to certain McDonnell Douglas Model DC-8 series airplanes, that requires replacing the toilet flushing circuit breakers of the lavatory with new circuit breakers, and marking applicable nameplates. This action is necessary to prevent overheating of the flush pump motor, which could result in damage to the flush pump motor cover, and consequent smoke in the lavatory area. This action is intended to address the identified unsafe condition.

**DATES:** Effective May 31, 2001.

The incorporation by reference of certain publications listed in the

regulations is approved by the Director of the Federal Register as of May 31, 2001.

**ADDRESSES:** The service information referenced in this AD may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1-L5A (D800-0024). This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

#### **FOR FURTHER INFORMATION CONTACT:**

Elvin Wheeler, Aerospace Engineer, Systems and Equipment Branch, ANM-130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712-4137; telephone (562) 627-5344; fax (562) 627-5210.

#### **SUPPLEMENTARY INFORMATION:**

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to certain McDonnell Douglas Model DC-8 series airplanes was published in the **Federal Register** on September 1, 2000 (65 FR 53206). That action proposed to require replacing the toilet flushing circuit breakers of the lavatory with new circuit breakers, and marking applicable nameplates.

#### **Comment Received**

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the comment received.

One commenter requests that the applicability of the proposed be revised to exclude airplanes in a freighter configuration on which the toilet flushing systems and associated equipment have been removed.

The FAA agrees. We find that McDonnell Douglas Model DC-8 series airplanes that have been converted from a passenger to a cargo-carrying ("freighter") configuration, without toilet flushing systems and associated equipment installed, are not subject to requirements of this AD. Therefore, we have removed these airplanes from the applicability of the final rule.

#### **Conclusion**

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

#### **Cost Impact**

There are approximately 232 Model DC-8 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 199 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 or 2 work hours per airplane, depending on the configuration of the airplane, to accomplish the required actions, and that the average labor rate is \$60 per work hour. Required parts will cost approximately \$348 per airplane. Based on these figures, the cost impact of the AD on U.S. operators is estimated to be \$408, or \$468 per airplane, depending on the configuration of the airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### **Regulatory Impact**

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory